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C O N F I D E N T I A L BUENOS AIRES 001259

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E.O. 12958: DECL: 2034/12/01
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SUBJECT: (C) Argentina: Media Freedoms Under Attack?

REF: BUENOS AIRES 1183; BUENOS AIRES 1223

CLASSIFIED BY: VilmaSMartinez, Ambassador, State, U.S. Embassy Buenos Aires; REASON: 1.4(B), (D)

Classified by Ambassador Martinez for Reasons 1.4 (b) and (d).
E.O. 12958. Declassify on 11/10/2039.

11. (C) SUMMARY: Argentine media outlets are sounding the alarms over government changes to media licensing laws, an executive decree restricting where print media can be sold, government support for union blockades of media distribution plants, and government pressure on a private-public newsprint producing company. Close affiliation between the leader of the union protests, General Labor Confederation (CGT) head and former Teamster leader Hugo Moyano, and the first spouse, former President Nestor Kirchner, has led some to believe that the timing of the protests is not coincidental. The events coincided with the 65th Inter-American Press Association (IAPA) gathering on November 6-10 and a Venezuelan-organized first International Meeting on Media and Democracy in Latin America - touted as an anti-IAPA summit. The Ambassador has noted to senior GOA officials that perceptions of a government offensive against independent media are hurting the GOA's image abroad. One counterpoint to the perceived government offensive on the media is the GOA's November 19 decriminalization of slander and libel, which the IAPA praised as a "major" advance for freedom of expression. END SUMMARY.

12. (U) Following the October congressional passage of the contentious audiovisual law (reftel), media outlets continue to decry what they view as government interference in retaliation for unfavorable reporting on President Cristina Fernandez de Kirchner (CFK) and her husband former President Nestor Kirchner (NK). While the government argued that the law will democratize access to the media and reduce the power of large media empires, critics in the media and opposition contend that the bill is an attempt to gag independent media. Speaking about the law before the Inter-American Press Association (IAPA) gathering on November 9, Vice-President Julio Cobos, known to be at odds with CFK, reflected that the law "was born amid a conflict against some media." He opined it "will surely be modified" in the next legislative session (when the divided opposition might be able to muster majorities in both chambers).

(C) Government Complicity in Teamsters Blockade?

13. (C) The latest clash with large media outlets began on November

¶3. The Argentine truck drivers' union, the Teamsters, under the authority of General Workers Confederation (CGT) leader Hugo Moyano, blocked the entrances of the printing plants and delivery facilities of leading newspapers "Clarín" and "La Nación." They took the action to force newspaper distribution cooperatives to recognize them as the collective bargaining agent even though they do not represent the majority of the newspaper delivery drivers. The Teamsters have used similar tactics in the past with soft drink beverage distributors and supermarket distributors in an effort to pressure union members to alter their affiliations.

¶4. (C) Moyano and the Teamsters did not indicate what prompted the timing of their decision to blockade the newspapers and demand wage increases, but Moyano and NK's mutual support has been widely reported in numerous media outlets, and the day before the newspaper blockade the GOA appointed one of Moyano's confidants to administer \$1 billion pesos (approximately \$260 million) in social welfare funds. "La Nación" premier political columnist Morales Sola wrote: "Former President Kirchner wants journalism to experience fear," while "Clarín" managing editor Ricardo Kirschbaum termed the blockade "one of the worst aggressions suffered by newspapers since the return of democracy." Clarín's top political columnist Eduardo van der Kooy told the DCM recently that Argentina is living through the worst period of tension between the media and the government since the restoration of democracy in 1983.

¶5. (U) The government initially did not respond to the blockade, but eventually Chief of Cabinet Anibal Fernandez, through his spokesperson, announced that the federal police would "guarantee the physical well-being of the workers and the normal development of the complaints." Yet when the Teamsters later blocked the "Perfil," "Clarín," and "La Nación" distribution plants the weekend of November 6, law enforcement officials did not take action. In a joint communique with the Argentine Publishers' Association (ADEPA) and the Buenos Aires City Dailies Association, the IAPA said "the Government of Argentina's inaction vis-a-vis these issues suggests complicity," warned of "unprecedented pressure on publishing companies," and firmly rejected the "violent methods" of intimidation.

¶6. (SBU) CFK on November 5 criticized the press for "obscenely displaying the poor on TV," and for "fostering policies that increased hunger and inequality." She declined an invitation to speak at the IAPA assembly, which is traditionally addressed by the host-nation head of state. On November 12, she publicly defended the Teamsters' blockade of the newspaper plants, claiming it was the result of poor labor conditions for the drivers and printers and that publishers had also blocked the unionization of journalists and other workers.

Further Limiting Periodical Distribution

¶7. (U) On November 5, by presidential decree, CFK rolled back a 2000 decree deregulating the sale of publications. CFK's new decree restored to newsstand kiosks "priority" in the distribution, sale, and delivery of newspapers and magazines. In practice, the decree limits the points of purchase to newsstands. ADEPA pointed out the contradiction between GOA anti-monopoly arguments for the new media law and CFK's decree granting newsstands the exclusive right to sell periodicals.

Newsprint a New Front?

¶8. (SBU) In October, Domestic Trade Secretary Guillermo Moreno made headlines with his plans for the GOA to take control of "Papel Prensa," the sole domestic provider of paper to about 170 newspapers. The newsprint plant is currently owned 49% by Clarin Group, 22.5% by "La Nacion," and 27.5% by the GOA. On November 11, National Securities Commission head Eduardo Hecker resigned, allegedly over an objection to plans by Domestic Trade Secretary Guillermo Moreno to lead a government takeover of Papel Prensa. Economy Minister Amado Boudou said November 12 that that allegations of potentially illegal actions by Papel Prensa required investigation. Boudou claimed Papel Prensa had failed to report earnings as a publicly traded company and that it had favored La Nacion and Clarin in pricing and supply, putting smaller regional newspapers at a disadvantage. Publishers import approximately 30-40% of their newsprint and do so duty-free.

Decriminalizing Slander and Libel

¶9. (U) On a positive note, on November 19 the Senate unanimously passed a CFK-proposed law decriminalizing slander and libel. This modification to criminal law addressed concerns raised by the Inter-American Commission on Human Rights in relation to the case of Eduardo Kimel, who in 1999 received a one year prison sentence and \$20,000 fine for insulting a judge. CFK stated her belief that there has never "been a time when it has been possible to speak with more liberty" in Argentina and promised decriminalizing slander and libel will further increase the freedom of expression. Although CFK acknowledged that decriminalizing slander and libel

may permit people to spread lies, she commented that she "[preferred] a billion lies to shutting someone's mouth." Previously, persons convicted of slander and libel faced fines and up to three years in prison. The Inter-American Press Association (IAPA) quickly issued a press release expressing its satisfaction with the decriminalization of libel and slander, noting it "set a precedent for the press to be able to work without inhibition or fear."

The Ambassador Weighs in with the GOA

¶10. (C) While the Embassy has publicly maintained a neutral stance on the media law and not commented on the GOA's most recent restriction on the sale of periodicals, pro-government tabloid "Pagina 12" falsely reported on November 8 and 29 that Ambassador Martinez had sent Washington a report with a "very favorable" opinion of the media law. The real story is quite different. The Ambassador has registered with senior GOA officials (such as Planning Minister Julio de Vido, Interior Minister Florencio Randazzo, and Vice Foreign Minister Victorio Taccetti) her concern that perceptions of a government offensive against independent media are hurting the GOA's image abroad. We intend to continue to raise with GOA decision-makers the critical importance of unfettered freedom of the press.

COMMENT: Where the Embassy Stands

¶11. (C) The GOA has refrained from more obvious, heavy-handed attacks on freedom of press. Journalists are not jailed, newspapers are not shut down, there is no government censorship of

the media, and Argentines enjoy unfettered access to the Internet. Major Argentine media continue to slam the government on a daily basis and from various angles. Moreover, some of the government's media measures can be defended on various rationales. Former CFK Cabinet Chief Sergio Massa, otherwise a (private) critic of the Kirchner regime, told us that the media law will be "the one good thing that comes out of this government," reflecting broad concern in the political class for the power of local media conglomerates, especially Clarin.

¶12. (C) Taken together, however, the measures appear to constitute a campaign of intimidation toward the leading independent newspapers and media outlets. The Kirchners make little effort to hide their disdain for media outlets that dare to criticize them. We suspect their efforts will fail to change the critical reporting of the major publishers, but the impact in other corners of the media world cannot be easily discerned and merit our concern. While our contacts in the opposition report that the new audiovisual law is first on their list to revise when they new Congress convenes, the new Congress may well be checked by its own divisions and by executive power (including a veto).
MARTINEZ